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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 3898 OF 2007

1. Chandrashekhar Dinkar Katale
2. Siddheshwar Hanumant Kurde
3. Manoj Dhondiba Taras
4. Babasaheb Appa Sandbhor .. Applicants

Versus

State of Maharashtra .. Respondent

Mr.Abhaykumar Apte for the applicants.

Mrs.M.M. Deshmukh, A.P.P. for the State.

CORAM : D.G. KARNIK, J.

DATE : 12TH DECEMBER 2007

P.C. :

1. Being aggrieved by an order dated 13th November 2007 passed by the 9th Ad-hoc District Judge limiting the anticipatory bail for a period of 7 days after the charge-sheet is filed, the applicants have approached this Court for grant of anticipatory bail.

2. The applicants seek anticipatory bail in connection with the crime registered under C.R. No.44/2007 with Dehuroad Police Station for the alleged offence punishable under sections 307 and 341 read with 34 of the I.P.C.

3. The applicants applied for anticipatory bail to the Sessions Court, Pune and the same was granted. Thereafter, the charge-sheet has been filed and the matter has been committed to the Sessions Court for trial. On charge-sheet being filed, the learned Ad-hoc District Judge passed the impugned order whereby he ordered that the protection granted to the applicants would come to an end after expiry of 7 days and granted time to the applicants to surrender before the committing court and further directed that the court would decide upon the further custody of the applicants subject to the bail application of the applicants.

4. Relying upon the decision in Bharat Chaudhary v. State of Bihar, reported in (2003) 8 SCC 77, learned counsel for the applicants submitted that the mere fact that cognizance of an offence was taken by the court and charge-sheet was filed is no ground for rejecting the anticipatory bail. Reference be made to the earlier three judges bench decision in Salauddin Abdul Samad Shaikh v. State of Maharashtra, reported in (1996) 1 SCC 667 wherein the Supreme Court has held that an order of anticipatory bail should be of a limited duration and on expiry of that duration the court granting anticipatory bail should leave it to the regular court to deal with the matter on appreciation of evidence placed before it.

5. Since the charge-sheet has been filed, there was nothing wrong for the Sessions Court to order that anticipatory bail would come to an end after expiry of 7 days and direct the applicants to approach the regular court for bail. The very fact that the court extended the period of anticipatory bail for 7 days after the charge-sheet is filed itself shows that the court exercised its power of granting anticipatory bail even after the charge-sheet was filed. Thus, there is no violation of the principles laid down by the Supreme Court in the case of Bharat Chaudhary v. State of Bihar (supra) that the mere fact that cognizance is taken or charge-sheet is filed is no ground for rejecting anticipatory bail. The order of limiting the bail for 7 days is also in consonance with the law laid down by the Supreme Court in Salauddin Abdul Samad Shaikh v. State of Maharashtra (supra). I, therefore, find no error in the order dated 13th November 2007 passed by the learned Ad-hoc District Judge. Hence, I pass the following order:

ORDER

. Time of 10 days is granted to the applicants to surrender before the Sessions Court, to whom the matter has been committed for trial. The applicants are at

liberty to move the regular court during the said period of 10 days or thereafter for regular bail. If such application is made, the concerned Court shall consider the said application on its own merits.

. With these observations, the application is disposed of.

(D.G. KARNIK, J.)